

Docket No. 270851US0PCT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Tanya Kathleen CHURCH, et al.

SERIAL NO: 10/531,867

GAU: 1616

FILED: September 16, 2005

EXAMINER: ALSTRUM ACEVEDO

FOR: SALMETEROL SUPERFINE FORMULATION

**TERMINAL DISCLAIMER**

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Now comes the undersigned, Attorney of Record in the present application, who avers as follows:

Chiesi Farmaceutici S.P.A. is the owner of the entire right, title and interest in and to the invention claimed and disclosed in the above-captioned patent application by virtue of assignment, said Assignment having been recorded in the U.S. Patent and Trademark Office at reel no. 017001, frame(s) 0667.

Chiesi Farmaceutici S.P.A. hereby disclaims the terminal part of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as presently shortened by any terminal disclaimer of U.S. Patent No. US 7,347,199, and hereby agrees that any patent so granted on said above-captioned application shall be enforceable only for and during such period that it and Patent No. US 7,347,199 are commonly owned. This agreement runs with any patent granted on the above-captioned application and is binding upon the grantee, its successors or assigns.

Chiesi Farmaceutici S.P.A. does not disclaim any terminal part of any patent granted on the above-captioned application that would extend to the full statutory term as defined in 35 U.S.C. 154 and 173 as presently shortened by any terminal disclaimer of U.S. Patent No. US 7,347,199 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of common ownership stated above.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, L.L.P.

May 28, 2010

Date Signed

  
Stephen G. Baxter  
Registration No. 32,884

Customer Number

22850

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 11/09)

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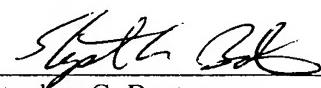
Chiesi Farmaceutici S.P.A. hereby disclaims the terminal part of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as presently shortened by any terminal disclaimer of any patent issuing from application Serial Nos. 10/504,151 and 11/408,026, and hereby agrees that any patent so granted on said above-captioned application shall be enforceable only for and during such period that it and Serial Nos. 10/504,151 and 11/408,026 are commonly owned. This agreement runs with any patent granted on the above-captioned application and is binding upon the grantee, its successors or assigns.

Chiesi Farmaceutici S.P.A. does not disclaim any terminal part of any patent granted on the above-captioned application that would extend to the full statutory term as defined in 35 U.S.C. 154 and 173 as presently shortened by any terminal disclaimer of any patent issuing from application Serial Nos. 10/504,151 and 11/408,026 in the event that any said issued patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of common ownership stated above.

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